

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

ANTHONY GAY, IDOC # B62251,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL NO. 11-20-GPM
)	
MARVIN POWERS,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

This action came before the Court on Plaintiff's Motion to Alter or Amend Judgment (Doc. 58). On June 14, 2012, Plaintiff was ordered to pay the \$350.00 filing fee in this case not later than June 28, 2012 (Doc. 60). This date has since passed and Plaintiff has not tendered the filing fee in full to this Court. As a result, **IT IS HEREBY ORDERED AND ADJUDGED** that this action is **DISMISSED** without prejudice for failure to comply with an order of this Court. **Fed.R.Civ.P.** 41(b); *see generally* *Ladien v. Astrachan*, 128 F.3d 1051 (7th Cir. 1997); *Johnson v. Kamminga*, 34 F.3d 466 (7th Cir. 1994). Plaintiff's obligation to pay the filing fee for this action was incurred at the time the action was filed, thus the filing fee of \$350 remains due and payable. *See* 28 U.S.C. § 1915(b)(1); *Lucien v. Jockisch*, 133 F.3d 464, 467 (7th Cir. 1998). The Clerk is **DIRECTED** to close this case.

IT IS SO ORDERED.

DATED: July 9, 2012

s/ G. PATRICK MURPHY
G. PATRICK MURPHY
United States District Judge